

Section III:
AMENDMENT UNDER 37 CFR §1.121 to the
DRAWINGS

No amendments or changes to the Drawings are proposed.

Section IV:
AMENDMENT UNDER 37 CFR §1.121
REMARKS

After Final Amendments

The amendment made herein complies with requirements or objections in the Office Action by amending claims 1, 3, 6, and 11 to adopt the suggestions made by the examiner in the Office Action.

Change of Examination Approach or Reorientation of Point of View of Previous Examiner, and USPTO Policy of Compact Prosecution

The approach or point of view of the previous examiner for this patent application, Primary Examiner Eric K. Nicholson, does not appear to be the same approach or point of view being taken in the current Office Action by Examiner Garcia. MPEP 706.04 acknowledges the USPTO's position towards giving full faith and credit of the previous actions of a previously assigned examiner.

Some questions and grounds for rejection in the present Office Action re-open or re-argue grounds which were previously overcome and withdrawn during earlier prosecution, and which were not issues on Appeal.

Further, the USPTO's policy towards compact prosecution and the Patent Rules require that the first Office Action on the merits address all existing issues in the patent application as filed (emphasis added by applicant):

§ 1.104 Nature of examination.

(a) Examiner's action.

(1) On taking up an application for examination or a patent in a reexamination proceeding, the examiner shall make a thorough study thereof and shall make a thorough investigation of the available prior art relating to the subject matter of the claimed invention. **The examination shall be complete with respect both to compliance of the application or patent under reexamination with the applicable statutes and rules**

and to the patentability of the invention as claimed, as well as with respect to matters of form, unless otherwise indicated.

...

(b) Completeness of examiner's action.

The examiner's action will be complete as to all matters, except that in appropriate circumstances, such as misjoinder of invention, fundamental defects in the application, and the like, the action of the examiner may be limited to such matters before further action is made. However, matters of form need not be raised by the examiner until a claim is found allowable.

A number of the objections or rejections raised in the present, fifth Office Action, are directed towards portions of the disclosure and claims which were not rejected or objected to in the previous Office Actions.

Applicant respectfully requests that examination of this application continue upon a linear path from the actions of the previous examiner, in accordance with MPEP 706.04 and 37 C.F.R. § 1.104(a) and (b). Applicant's right to Petition, Appeal, or both, as appropriate, on these bases is hereby reserved.

Respectfully,

/ Robert Frantz /

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